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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,845	11/30/2001	Carol Ivash Gabele	AUS920000652US1	4651

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EXAMINER

GEBRESILASSIE, KIBROM K

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/997,845	Applicant(s) GABELE ET AL.	
	Examiner Kibrom K. Gebresilassie	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/15/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 have been presented for examination based on applicant's amendment filed on 02 November 2005.
2. Claims 1-18 remains rejected by the examiner.

Response to Arguments

3. Applicants arguments filed on 02 November 2005 have been fully considered.

Regarding correction made in specification: The examiner agrees to the correction made in specifications in view of applicant's amendment filed on 02 November 2005.

Regarding proposed drawing changes: Applicant's proposed drawing changes have been approved by the examiner pending review by the draftsman. Accordingly, the examiner withdraws the objection to the drawings.

Regarding applicant's response to double patenting rejection: The terminal disclaimer filed on 02 November 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 09/997,458 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Regarding applicant's response to 101 rejection: The examiner withdraws the 101 rejection in view of applicant's amendment and argument filed on 02 November 2005.

Regarding applicant's response to 103(a) rejection: Applicant's arguments with regarding to claims 1-18 have been fully considered but are now moot based on new grounds for rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, and 3-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,560,721 issued to Boardman et al.

As per claim 1:

Boardman discloses a method for resolving testcase collection inconsistencies between a testcase list (Abstract lines 5-7) and a harvest hit table (Fig. 2A element 75) wherein said testcase list identifies testcases that have triggered harvest events during simulation of a simulation model, and said harvest hit table includes harvest event entries that associate harvest event identifiers with corresponding testcase identifiers (Abstract), said method comprising:

updating said harvest hit table from a simulation client to include harvest event entries that associate harvest events triggered by testcases with testcase identifiers that identify the corresponding triggering testcases (col. 3 lines 43-53);

collecting testcase identifiers that identify one or more of said testcase within said testcase list (col. 7 lines 40-49; Appendix D); and

comparing testcases identified within said testcase list to testcases identified within said harvest hit table to determine inconsistencies therebetween (col. 8 lines 7-13).

As per claim 3:

Boardman discloses responsive to finding a given harvest event entry within said harvest hit table that is associated with a testcase identifier that does not correspond to a collected testcase within said testcase list, removing said given harvest event entry from said harvest hit table (col. 6 lines 26-35).

As per claim 4:

Boardman discloses responsive to finding a collected testcase identifier in said testcase list which does not correspond to an entry within said harvest hit table (col. 6 lines 26-35), removing said non-corresponding testcase identifier from said testcase server (Abstract lines 15-19).

As per claim 5:

Boardman discloses the method of claim 4, wherein said harvest hit table (Fig. 2A element 75) is maintained by an instrumentation server, said removing said non-corresponding testcase identifier from said testcase server comprising including said non-corresponding testcase identifier in a redundant testcase list within said instrumentation server (Abstract lines 15-19).

As per claim 6:

Boardman discloses testcase server includes a harvest testcase bucket which maintains all testcases triggering harvest events for said simulation model, said method further comprising:

delivering said redundant testcase list from said instrumentation server to said testcase server (col. 6 lines 21-25; Fig. 1); and

removing testcase identifier included within said redundant testcase list from said harvest testcase bucket (col. 9 lines 54-58).

As per claims 7 and 13:

The limitations of claims 7 and 13 have already been discussed in the rejection of claim 1. They are therefore rejected under the same rationale.

As per claims 8 and 14:

The limitations of claims 8 and 14 have already been discussed in the rejection of claim 2. They are therefore rejected under the same rationale.

As per claims 9 and 15:

The limitations of claims 9 and 15 have already been discussed in the rejection of claim 3. They are therefore rejected under the same rationale.

As per claims 10 and 16:

The limitations of claims 10 and 16 have already been discussed in the rejection of claim 4. They are therefore rejected under the same rationale.

As per claims 11 and 17:

The limitations of claims 11 and 17 have already been discussed in the rejection of claim 5. It is therefore rejected under the same rationale.

As per claims 12 and 18:

The limitations of claims 12 and 18 have already been discussed in the rejection of claim 6. They are therefore rejected under the same rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,560,721 issued to Boardman et al as applied to claims 1, and 3-18 above, and further in view of U.S. Patent No. 6,859,770 issued to Ramsey et al.

As per claim 2:

Boardman discloses the method of claim 1, wherein said testcase list is maintained by testcase server (Fig. 2), said method further comprising: delivering a testcase identifier identifying said testcase (col. 7 lines 40-49) to said testcase server (col. 6 lines 21-25; Fig. 2).

Boardman fails to disclose which collects harvest event testcases for said simulation model; retrieving harvest event data for said harvest event that has been triggered within said simulation client; comparing said retrieved harvest event data with a list of harvest events that have previously been triggered within said simulation model; and responsive to determining that said harvest event has not been previously triggered within said simulation model.

Ramsey discloses which collects harvest event testcases for said simulation model (Abstract); retrieving harvest event data for said harvest event that has been triggered within said simulation client (col. 6 lines 43-52); comparing said retrieved harvest event data with a list of harvest events that have previously been triggered within said simulation model (col. 6 lines 13-15); and responsive to determining that said harvest event has not been previously triggered within said simulation model (col. 6 lines 6-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Boardman related to the field of testing and more particularly that of testcase management with the teachings of Ramsey related to the construction of new test stimuli from already occurring test stimuli via genetic algorithm, thereby reaching new constructed states that are not generated by already occurring stimuli. The motivation for doing so would have been more convenient to identify states associated with the circuit simulation that have not been produced by the original testcases (col. 3 lines 2-4). Hence a skilled artisan having access to the teaching of Boardman and Ramsey would have knowingly modified the teaching of Boardman with Ramsey.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,182,245 issued to Akin et al.

U.S Patent No. 6,195,627 issued to Bargh et al.

Art Unit: 2128

9. Any inquiring concerning this communication or earlier communication from the examiner should be directed to Kibrom K. Gebresilassie whose telephone number is (571) 272-8571. The examiner can normally be reached on Monday-Friday, 8:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Kamini shah can be reached at (571) 272-2279. The official fax number is (571) 273-8300. Any inquiring of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is (571) 272-3700.

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